

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1393/P1dn
TKK:jld:rs

March 16, 2011

Representative Jacque:

This bill combines a redraft of 2009 Assembly Bill 182 with 2011 LRB-0716/1 from the current session. 2009 AB-182 permits a municipal court to assign income, prizes, and earnings towards a municipal court judgment. 2011 LRB-0716/1 prohibits certain utilities from collecting utility arrearages from owners of rental properties through a property lien.

1. Assignment of lottery prizes. 2009 AB-182 amended s. 565.30 (5r) (a), stats., to require the administrator of the lottery division in the department of revenue (administrator) to provide each clerk of court and also each municipal court in the state with a list of lottery winners and assignees. You requested that I exclude from this bill those provisions of 2009 AB-182 relating to the lottery. Please be aware that 2009 Wisconsin Act 402 made numerous changes to the laws governing municipal courts, including the addition of the words, municipal court to s. 565.30 (5r) (a). Consistent with your request to eliminate those provisions relating to the lottery, this bill amends s. 565.30 (5r) (a) to eliminate the requirement added by 2009 Act 402 that the administrator forward a list of winners to municipal court clerks. This bill also amends s. 565.30 (5r) (b) to eliminate notices to the administrator from municipal courts for the assignment of lottery prizes. Let me know if you have any questions about these provisions.

2. Changes to Chapter 800 of the statutes made in 2009 Wisconsin Act 402. 2009 AB-182 amended s. 778.30 (1) (intro.) to add municipal court judgments to those judgments that may be collected in circuit court. 2009 Act 402 made the identical change. Act 402 also substantially restructured s. 800.09, stats., relating to judgments. For these reasons, this bill does not amend s. 778.30 (1) (intro.), and the bill creates new s. 800.90 (1m) that, under 2009 AB-182, was s. 800.09 (1) (d).

3. Forfeiture vs. Fine. Finally, please note that I modified proposed s. 800.09 (1m) (j) by substituting the phrase "may be fined not more than \$500" with "may be subject to a forfeiture of not more than \$500." Although both forfeitures and fines are penalties, an offense that is punishable only by a forfeiture is not a crime. See s. 939.12, stats. With this change, an employer who violates s. 800.09 (1m) (j) is subject to a civil, not a criminal, penalty.

Please let me know if you have any questions about this redraft.

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